



REPUBLIC OF THE PHILIPPINES
TARIFF COMMISSION

COMMISSION ORDER NO. 2021 – 01

SUBJECT: REVISED RULES OF PROCEDURE FOR THE CONDUCT OF FORMAL INVESTIGATIONS PURSUANT TO REPUBLIC ACT NO. 8752

Pursuant to Republic Act (RA) No. 8752 (*Anti-Dumping Act of 1999*), as adopted in Section 711 of RA No. 10863 (*Customs Modernization and Tariff Act*), and its Implementing Rules and Regulations (IRRs), the following rules of procedure are hereby promulgated to govern the conduct of investigations by the Tariff Commission:

Section 1. Definition of Terms. For purposes of this Order, the following terms are defined as follows:

- (a) "Anti-Dumping Duty" refers to a special duty imposed on the importation of a product into the Philippines at less than its normal value when destined for domestic consumption in the country of export or origin, it being the difference between the export price and the normal value of such product.
- (b) "Causal Link" refers to a finding that the material injury suffered by the domestic industry is the direct result of the importation of the dumped product.
- (c) "Commission" refers to the Tariff Commission.
- (d) "Comparable Price" refers to the domestic price of the like product in the country of export or origin at the same level of trade, normally at the ex-factory level, and in respect of sales made at the same time as, or as near as possible to, the date of exportation to the Philippines.
- (e) "Country of Export" is the country where the allegedly dumped product was shipped to the Philippines, regardless of the location of the seller. The country of export and the country of origin may be the same, but not in all instances.
- (f) "Country of Origin" is the country where the allegedly dumped product either was wholly obtained or where the last substantial transformation took place. The country of origin and the country of export may be the same, but not in all instances. In the case of transshipment where a product is shipped from a third country that is not the country where the product was manufactured or processed, the country of origin will be different from the country of export.

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- (g) "Domestic Industry" refers to the domestic producers as a whole of the like product or to those of such producers whose collective output of the product constitutes a major proportion of the total domestic production of that product, except that when producers are related to the importers or foreign exporters or are themselves importers of the allegedly dumped product, the term "domestic industry" may be interpreted as referring to the rest of the producers.

Producers shall be deemed to be related to importers or foreign exporters only if:

- 1) one of them directly or indirectly controls the other; or
- 2) both of them are directly or indirectly controlled by a third person; or
- 3) together they directly or indirectly control a third person, provided that there are grounds to believe or suspect that the effect of the relationship is such as to cause the producer concerned to behave differently from non-related producers.

For this purpose, one shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

If available data does not permit the separate identification of the domestic production of the like product, the domestic production shall refer to the production of the narrowest group or range of products which includes the like product for which the necessary information is available.

- (h) "Dumped Import/Product" refers to any product which is imported into the Philippines at an export price less than its normal value in the ordinary course of trade for the like product destined for consumption in the country of export or origin, and which is causing or is threatening to cause material injury to a domestic industry, or materially retarding the establishment of a domestic industry producing the like product.
- (i) "Foreign Exporter" refers to one whose name appears on documentation attesting to the export of the product to the Philippines regardless of the manufacturer's name in the invoice.
- (j) "Export Price" refers to (1) the ex-factory price at the point of sale for export; or (2) the freight-on-board (F.O.B.) price at the point of shipment of the allegedly dumped product. In cases where (1) or (2) cannot be used, then the export price may be constructed based on such reasonable bases as the Secretary or the Commission may determine.
- (k) "Interested Parties" refer to persons or entities which are directly affected by the investigation. They shall include: (1) a domestic importer, a foreign exporter or producer of the product subject to investigation, or a trade or business association a majority of the members of which are importers, foreign exporters or producers of such product; (2) the government of the country of export or origin; and (3) a



producer of the like product in the Philippines or a trade and business association a majority of the members of which produce the like product in the Philippines.

- (l) "Like Product" refers to a product which is identical or alike in all respects to the allegedly dumped product, or in the absence of the former, another product which, although not alike in all respects, has characteristics closely resembling those of the allegedly dumped product.
- (m) "New Foreign Exporter" refers to a foreign exporter who did not export the allegedly dumped product during the investigation period.
- (n) "Secretary" refers to the Secretary of the Department of Trade and Industry (DTI) in the case of non-agricultural products, or the Secretary of the Department of Agriculture (DA) in the case of agricultural products, or their duly designated representatives.
- (o) "Voluntary Price Undertaking" refers to an undertaking executed by the exporter or foreign producer under oath and accepted by the affected industry that they will increase their price or will cease exporting to the Philippines at a dumped price thereby eliminating the material injury to the domestic industry producing the like product. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping.

Other terms and phrases as defined in RA No. 8752 and its IRRs shall be given the same meanings when used herein.

Section 2. Purpose of the Investigation. The Commission shall conduct a formal investigation to determine the following:

1. If the subject domestic product is a like product to the allegedly dumped product;
2. If the allegedly dumped product is being imported into, or sold in the Philippines, at a price less than its normal value; and the difference, if any, between the export price and the normal value;
3. The presence and extent of material injury or the threat thereof to the domestic industry, or the material retardation of the establishment of a domestic industry producing the like product;
4. The existence of a causal relationship between the allegedly dumped product and the material injury or threat thereof to the affected domestic industry, or the material retardation of the establishment of a domestic industry producing the like product; and
5. If all the elements above are present, the definitive anti-dumping duty to be imposed and the duration of its imposition.



Section 3. Nature of the Investigation. The investigation of the Commission is fact-finding and administrative in nature. It shall be conducted in a summary manner. However, the Commission may require interested parties to formally present evidence for purposes of determining and clarifying factual matters that are relevant in the conduct of the investigation.

During the course of its investigation, the Commission may issue and apply procedural directions to secure just and expeditious determination of matters in issue.

Section 4. Application of the Rules of Court. In the absence of any applicable provision in this Order, the relevant provisions of the Rules of Court of the Philippines, whenever practicable and convenient, may be applied suppletory or by analogy in the implementation of this Order. However, no dilatory tactics or unnecessary or unjustified delays shall be allowed and the technical rules of evidence shall not be applied.

Section 5. Commencement and Notice of Formal Investigation. Within three (3) working days from receipt of the request and the records of the case from the Secretary, the Commission shall commence its formal investigation.

Within the same period, the Commission shall:

1. Notify in writing all parties on record on the commencement of its formal investigation and require them to appear for a Preliminary Conference and to submit the name/s of counsels or authorized representative/s on or before the Preliminary Conference to be scheduled by the Commission;
2. Publish in two (2) newspapers of general circulation in the Philippines the Notice of the commencement of formal investigation and preliminary conference; and
3. Post the Notice on the website of the Commission.

Section 6. Conduct of Preliminary Conference. Within seven (7) working days from the commencement of the investigation, the Commission shall conduct a Preliminary Conference to discuss the following:

- (a) Timelines, schedule of public hearing and other activities;
- (b) Nature of investigation;
- (c) Appearances of counsel/s and party/ies;
- (d) Inclusion and exclusion of parties;
- (e) Modes of service/notices;
- (f) Number of witnesses;
- (g) Notification/s;
- (h) Accessibility of documents and public file;
- (i) Confidentiality of information;
- (j) Submission of position paper/s and memoranda;
- (k) Submission of comments on the Commission's Staff Report;
- (l) Conduct of on-site investigation and/or data verification;

- (m) Submission of comments on the Essential Facts; and
- (n) Such other matters/activities as may aid in the prompt disposition of the case (e.g., voluntary price undertaking at any stage of the proceedings).

Within three (3) working days from termination of the Preliminary Conference, the Commission shall issue an Order of Preliminary Conference setting forth the matters resolved and agreed upon by the parties present during the conference. All interested parties who attended the conference shall be furnished a copy of the Order. Said Order shall also be made available on the website of the Commission and in the public file.

Section 7. Appearance of Counsel and Parties. Parties may appear by themselves or through their authorized representative/s or counsel/s. Should parties be represented by counsel/s or authorized representative/s, the necessary authority and the contact details of the counsel/s or representative/s thereof must be submitted to the Commission on or before the scheduled Preliminary Conference.

Section 8. Authority to Bind Party. Counsel/s or authorized representative/s of parties shall have authority to bind their clients in all matters of procedure.

Section 9. Inclusion and Exclusion of Parties. As a general rule, parties who did not submit answers to the required questionnaires during the preliminary investigation conducted by the DTI/DA shall have no legal personality to appear at the public hearings nor participate in the formal investigation to be conducted by the Commission.

However, for valid reasons, an interested party may file a written request with the Commission to be included in the formal investigation within thirty (30) calendar days, or fifteen (15) calendar days if certified urgent by the Secretary, from commencement of the formal investigation. Once the request is approved by the Commission, the party shall be required to submit a fully accomplished Commission questionnaire and other relevant data and information that can be subjected to verification, within fifteen (15) working days from receipt of notice, as an indispensable requirement for inclusion of a party in the proceeding.

Section 10. Formal Requirements. Initial applications/petitions or other documents/evidence filed with the Commission must indicate the names of all persons in whose behalf the filing is made. Subsequent filings must indicate the case number/docket designation assigned by the Commission.

The original copy of all written submissions shall be signed by the party or authorized representative/s and shall show the contact details of the same. The signature of the party or its representative on any document filed with the Commission constitutes as a certification that the signatory has read and knows the content of the submission and that to the best of the signatory's knowledge, the information contained therein is based on a well-grounded fact and is warranted by existing law or it is not interposed for any improper purpose.

Unless otherwise required by the Commission, all written submissions, including supporting documents, shall be in hard copies (eight (8) copies of confidential version and two (2) copies of non-confidential version), clearly marked confidential or non-confidential with accompanying electronic copies in file format acceptable to the Commission.

Section 11. Modes of Service/Notice. Service of pleadings and notices may be made using personal service, registered mail, special courier, facsimile, or electronic mail. The date of transmission for facsimile or electronic mail shall be deemed to be the date of service. A notice to counsel representing a party is considered notice to the latter.

In case of voluminous pleadings or documents and/or numerous parties, the Commission may, upon proper motion of a party, waive the requirement of service, provided that a copy of such pleadings or documents together with its annexes is filed with the Commission and made available for examination and reproduction and the notice of such filing and availability is duly served on the parties by the party filing it.

Section 12. Submission of Initial Memoranda/Position Papers. The parties shall, within fifteen (15) working days, or seven (7) working days if the case is certified urgent by the Secretary, from termination of the Preliminary Conference, submit to the Commission their respective memoranda/position papers and documentary evidence and information in support of their position/s. Copies of these submissions not otherwise confidential shall be served to the other parties, subject to the provisions of Section 11 on Modes of Service/Notice.

Section 13. Recourse to Other Data and Information. The Commission may, in addition to the pertinent documents forwarded by the Secretary and the information and/or submissions by the parties, request additional data and information from other sources, both domestic and foreign, to enable it to support its findings. Without the required submissions from the parties, the Commission shall base its findings on the best available information. If necessary, the Commission may seek the opinion of experts or other resource persons on an issue or subject matter relevant to the present case.

Section 14. Treatment of Confidential Information. Information which is confidential shall not be disclosed to the public without the express authority of the owner of the information. The parties providing confidential information shall submit two (2) copies of non-confidential summaries thereof to be placed in a public file and made available to all interested parties upon the initiation of the investigation. These summaries must contain sufficient details to permit a reasonable understanding of the confidential information to enable other parties to respond to claims based on such information. In exceptional circumstances wherein summarization of confidential information is not possible, the party must state the reason/s why it cannot be provided.

It is understood that the party claiming confidentiality is required to provide justifications why said information can be considered as such. Should there be an issue on the nature of the information, the Commission shall issue an appropriate Order stating the reasons for its finding/s.



In any case, where any request for confidentiality is not warranted or the party is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, such information may be disregarded by the Commission, unless it can be demonstrated to the Commission's satisfaction from appropriate sources that the information is correct.

The following information may be considered confidential if so designated by the supplying party:

- (a) Business or trade secrets concerning the nature of the product or the production process;
- (b) Production costs but not the identities of the production components, unless these are trade secrets;
- (c) Distribution costs but not the channels of distribution;
- (d) Terms of sale but not those offered to the public;
- (e) Prices of individual sales, likely sales, or other offers but not components of prices, such as transportation, if based on published schedules, dates of sale, order numbers, or product descriptions (other than business or trade secrets described in "a");
- (f) Names of particular customers, distributors, or suppliers but not destinations of sale or designation of type of customer, distributor or supplier, unless the destination or designation would reveal the name;
- (g) Exact amount of the dumping margin on individual sales;
- (h) Names of particular persons from whom confidential information was obtained; and
- (i) Any other specific business information which, if released to the public, would cause substantial harm to the competitive position of the supplying party.

Section 15. Maintenance of Public File. A public file shall be maintained by the Commission. Except for confidential information, it shall contain a copy of all submissions from interested parties and all relevant correspondences concerning the investigation including the list of counsels of parties and other interested parties. The Commission may, upon written request, make available for examination and reproduction to interested parties all relevant information in its custody that are not considered confidential.

Section 16. Conduct of On-site Investigations. The Commission may, in the course of the proceedings, conduct on-site investigations, to include ocular inspections and visits, to verify information provided or to obtain further details. Any interested party shall, when required, allow the Commission access to necessary information, or otherwise provide the necessary information to enable the Commission to expedite the investigation. The Commission may also visit other domestic producers, importers, foreign exporters or producers who have not provided a submission to the investigation. Visits or inspections may be conducted by the Commission even without the presence of other interested parties. The Commission, at its option, may issue *subpoena duces tecum* for the production of documents relevant in resolving the application for anti-dumping duty.

In the case of an on-site investigation involving a foreign exporter or producer, the Commission shall obtain the agreement of the firms concerned. As soon as the agreement of the parties has been confirmed, the Commission shall notify the government of the country of export or origin of the names and addresses of the parties to be visited and the dates agreed upon. Sufficient advance notice shall be given to the parties before the visit is made.

Prior to the scheduled visit, parties shall also be advised of the general nature of the information to be verified and the pertinent documents that may be required during the on-site investigation. However, the Commission is not precluded from conducting further verification and inquiry on other relevant information during the said on-site investigation. Inquiries or questions by the Commission or the parties shall, whenever possible, be answered before the visit is made.

The procedures described above shall also apply to on-site investigations carried out in the territory of countries other than the countries of export or origin.

Without the required information/inspection/verification, the Commission will base its findings on the best available information.

Section 17. Issuance of Staff Report. At least five (5) working days before the scheduled public hearing, the Commission shall issue a public version of a Staff Report which shall cover, among others, the Commission's findings on product comparability, price difference, dumping, volume of dumped imports, termination of investigation for exporters with *de minimis* provisionally estimated dumping margin, and other relevant data and information pertinent to the investigation duly verified.

All identified interested parties shall be provided a copy of the Staff Report and within five (5) working days from receipt thereof, submit their comments on the aspects of product comparability and price difference as these matters will be binding and excluded for discussion in the public hearing. If no comment is submitted, then the factual findings on product comparability and price difference of the Commission contained in the Staff Report will be binding to the party who did not submit its comment.

Section 18. Submission of Affidavits of Witnesses and List of Additional Issues for the Public Hearing. At least five (5) working days before the scheduled public hearing, parties are required to submit to the Commission affidavits of their witnesses which shall serve as the direct examination of the witness, copy the opposing parties. Non-submission of issues/affidavits of witnesses as prescribed above shall bar the presentation of the same during the public hearing.

Should a party desire to submit additional issues for the public hearing, other than the issues on product comparability and price difference which are excluded in the coverage of the matters for discussion in the public hearing, the same shall be submitted at least five (5) working days before the scheduled hearing for consideration of the Commission.

Section 19. Issuance of Notice of Public Hearing. The Commission shall notify in writing all identified interested parties on the schedules of the public hearing. The Notice of public hearing shall also be published in two (2) newspapers of general circulation in the Philippines and posted on the website of the Commission.

In case of postponement of the public hearing or the non-conduct thereof, all interested parties will be notified in writing and a Notice will be issued following the same procedure above.

Section 20. Conduct of Public Hearing. The Commission, after due notice, shall conduct a public hearing to give all interested parties who submitted themselves to the jurisdiction of the Commission the opportunity to be heard and to present evidence, including the opportunity to respond to the presentations of other parties and to submit their views, among others, on the effect/s of imposing an anti-dumping duty on the welfare of consumers and/or the general public, and other related local industries. The public hearing shall be conducted continuously for not more than five (5) working days unless otherwise determined or earlier terminated by the Commission.

All interested parties may appear at the public hearing and present, under oath, evidence relevant and material to the subject matter of the investigation.

Unless otherwise ordered by the Commission, the sequence of the hearing shall be, as follows:

- (a) Presentation of evidence by the petitioner or domestic industry;
- (b) Clarificatory questions/examination by oppositor/s or other interested parties;
- (c) Presentation of evidence by the oppositor/s or other interested parties; and
- (d) Clarificatory questions/examination by the petitioner or domestic industry.

A party who did not submit a list of issues may be deemed to have no controversial/contestable matter to raise and hence, will be given less priority in the order of parties to ask clarificatory questions during the public hearing.

Nothing herein shall prevent the members of the Commission from propounding clarificatory questions to the witnesses and interested parties during the public hearing.

Failure to appear on the scheduled public hearings is considered a waiver to propound clarificatory questions to the witnesses who were presented on that day.

Section 21. Conduct of Executive Session. In the course of the proceedings, the Commission, upon its own determination, or motion of an interested party, may conduct an executive session which, unless otherwise stated in the Order, shall be attended only by the following:

- (a) The party who is to present confidential information or his duly authorized representative;
- (b) Authorized officials and employees of the Commission; and
- (c) Counsel/s or authorized representative/s of opposing party/ies.

Unless otherwise ordered by the Commission or by a competent court or required under existing laws, all parties present in the executive session are strictly enjoined from disclosing or discussing any and all subject matters deliberated in the executive session.

The Commission shall implement measures to ensure that confidential information are protected from any unauthorized disclosures.

Section 22. Submission of Amended and/or Final Memoranda/Position Paper. Parties who earlier submitted their respective memoranda/position papers may submit amended and/or final memoranda/position papers to the Commission within ten (10) calendar days, or five (5) calendar days if the case is certified urgent by the Secretary, from termination of the public hearing.

Section 23. Voluntary Price Undertaking. At any stage of the formal investigation, price undertaking shall be entertained provided that it is consistent with RA No. 8752 and its IRRs and shall not be prejudicial to public interest.

Whenever practicable, the Commission shall take the initiative to exhaust all available means to effect a fair and reasonable settlement of the case. The parties will be given all the opportunities to present their proposals and/or counter-proposals. The price undertaking agreed upon shall be in writing duly signed by the parties and/or their counsels and shall be subject to approval of the Secretary upon the recommendation of the Commission.

Section 24 Termination of the Investigation. The Commission shall terminate its investigation if:

- (a) There is no domestic like product to the allegedly dumped product; or
- (b) The provisionally estimated margin of dumping is less than two percent (2%) of the export price or the volume of the allegedly dumped products or injury is negligible, as defined in existing international trade agreements of which the Republic of the Philippines is a party; or
- (c) The volume of allegedly dumped products or injury is negligible. The volume of the allegedly dumped products from a particular country shall normally be regarded as negligible if it accounts for less than three percent (3%) of the total imports of said product in the Philippines unless countries which individually account for less than three percent (3%) of the total imports of the said product in the Philippines collectively account for more than seven percent (7%) of the total imports of that product; or
- (d) Parties agreed to a voluntary price undertaking.

The Commission shall give public notice of the termination of the investigation through publication in two (2) newspapers of general circulation. Said Notice shall also be posted on the website of the Commission.

Section 25. Disclosure of Essential Facts. The Commission shall, before a final determination is made, inform all the interested parties in writing of the Essential Facts which form the basis for the decision to apply or not apply definitive measures.

All identified interested parties will be provided a copy of the Essential Facts and within an unextendible period of five (5) calendar days from receipt thereof submit their comments with supporting documents for consideration of the Commission.

Section 26. Submission of Formal Investigation Report. Within one hundred twenty (120) calendar days from receipt of the request and the entire records of the case from the Secretary, the Commission shall submit its Formal Investigation Report and Decision to the Secretary.

Following the submission of its Report and Decision to the Secretary, the Commission shall furnish all interested parties with copies of the public version of the Report, publish a summary of the Report in two (2) newspapers of general circulation, and post the same on the website of the Commission.

Section 27. Motion for Reconsideration. No motion for reconsideration shall be filed directly to the Commission against the Department Order issued by the Secretary.

Subject to the IRRs of RA No. 8752, a motion for reconsideration in writing may be filed with the Secretary within fifteen (15) calendar days from receipt of the Department Order imposing the definitive anti-dumping duty, for one or more of the following reasons affecting the substantial rights of said party:

- (a) Fraud, accident, mistake or excusable negligence which ordinary prudence could not have guarded against and by reason of which such aggrieved party has probably been impaired;
- (b) Newly discovered evidence, which the aggrieved party could not, with reasonable diligence, have discovered and produced at the public hearings, and which if presented would probably alter the result; or
- (c) The final anti-dumping duty imposed is excessive, or the evidence is insufficient to justify the final order, or the order is contrary to law.

Such motion for reconsideration shall not be accepted without proof of service thereof to affected parties.

The Commission shall, upon receipt of the motion for reconsideration and the comments thereto from the Secretary, resolve the same within ten (10) working days. Thereafter, the Commission shall transmit its report to the Secretary within one (1) working day from the date of the report.

Section 28. Judicial Review. Any interested party who is adversely affected by the ruling of the Secretary in connection with the imposition of an anti-dumping measure may file with the Court of Tax Appeals a petition for review of such ruling within thirty (30) calendar days from receipt thereof.

Section 29. Interim or Changed Circumstances Review. The Commission may, *motu proprio* or upon the direction of the Secretary or upon a duly substantiated request, conduct an interim review of the need for the continued imposition of the anti-dumping duty, taking into consideration the need to protect the existing domestic industry against dumping. At least one (1) year should have elapsed since the imposition of anti-dumping duty before the review can be initiated.

In carrying out the review, the Commission may, *inter alia*, consider whether the circumstances with regard to dumping and injury have changed significantly, or whether existing measures are achieving the intended results in removing the injury previously established. In these respects, account shall be taken of all relevant and duly documented evidence in the final determination.

The Commission shall undertake the review following procedures applicable in this Order and submit its report to the Secretary not later than one hundred fifty (150) calendar days from the date of the initiation of the review.

Section 30. Accelerated or New Shipper's Review. New foreign exporters may request for an accelerated review provided they are not related to any foreign exporter who is subject to the anti-dumping duty. The application must be submitted to the Commission in writing and must contain:

- (a) A description of the foreign exporter's product; and
- (b) The basis of the request.

The new foreign exporter shall submit its application using the prescribed Form of the Commission together with supporting documentary evidence which must be duly authenticated by the Philippine Consular Office in the country of export. Applications without the required authentication shall not be acted upon.

In case of incomplete submissions, the Commission shall give the exporter fifteen (15) calendar days from receipt of notice to submit the required information. Failure to comply within the prescribed period will result in the dismissal of the application.

The Commission shall, upon receipt of properly documented application from new foreign exporter and payment of filing fee, commence an accelerated review to determine the individual margin of dumping for the new foreign exporters who have not exported the dumped product to the Philippines during the period of investigation (POI) for dumping determination.

Within seven (7) calendar days from the commencement of the review, the Commission shall notify all interested parties which shall include the Secretary, the Bureau of Customs, the domestic industry, identified importers (existing or prospective) of applicant, and the concerned embassy. The Notice shall be posted on the Commission's website.

Interested parties are required to submit their comments/position papers within fifteen (15) calendar days from receipt of the notice of commencement. The Commission reserves the right to request additional information deemed necessary for the review.

The Commission shall make an assessment and evaluation of the documents. In case of additional information required, the party shall submit the same within fifteen (15) calendar days from receipt of notice.

At any stage of the proceedings, the Commission shall terminate the investigation if the applicant: (a) exported the dumped product to the Philippines during the POI; or (b) is related with any foreign exporter who is subject to the anti-dumping duty; or (c) failed to provide the required information.

Within sixty (60) working days from commencement of the review, the Commission shall submit to the Secretary its Final Report and Decision.

Following the submission of its Report and Decision to the Secretary, the Commission shall furnish the interested parties with copies of the public version of the Report and shall post the same on the website of the Commission.

Section 31. Expiry or Sunset Review. The Commission may, on its own initiative or upon a duly substantiated request made by or on behalf of the domestic industry at least six (6) months prior to the termination/expiry date of the imposition of the definitive anti-dumping duty, conduct an expiry or sunset review to determine whether the termination of the anti-dumping duty will likely lead to the continuation or recurrence of dumping and injury. The anti-dumping duty shall remain in force pending the outcome of such an expiry review.

The Commission shall cause the publication of a Notice of impending expiry of the effectivity of the anti-dumping duty in two (2) newspapers of general circulation on the first quarter of the final year of the period of application of the definitive anti-dumping duty, to give the domestic producers adequate time to lodge a request for an expiry review.

In carrying out the review, the Commission shall require foreign exporters, the representatives of the country of export or origin, and the domestic producers and importers to accomplish the prescribed Commission questionnaires. Interested parties shall be provided with the opportunity to comment on the matters set out in the review request, and conclusions shall be reached with due account taken of all relevant and duly documented evidence presented in relation to the question of whether the expiry of the definitive anti-dumping duty would be likely, or unlikely, to lead to the continuation or recurrence of dumping and injury.

The Commission shall undertake the review following the procedures prescribed in this Order and submit its Report and Decision to the Secretary not later than one hundred fifty (150) calendar days from the date of the initiation of the review.

Section 32. Transcript of Proceedings. The Commission's designated secretariat shall record all the proceedings before the Commission, prepare the transcripts thereof, and file the same with the records of the case. The duly approved and signed hard copy of the transcript shall be made available only to interested parties, for a fee.

Section 33. Payment of Fees. Pursuant to the Commission's relevant issuances, the petitioner shall pay the following:

- (a) Filing Fee;
- (b) Legal Research Fund Fee; and
- (c) Cost of Publication of Newspaper Notices on Commencement of Formal Investigation and Conduct of Public Hearing.

Within five (5) working days from receipt of the Notice of Billing from the Commission and publisher, the petitioner shall pay the required fees hereof.

Failure to pay the fees within the required period shall cause the suspension of the formal investigation.

Section 34. Separability Clause. Should any provision of this Order be subsequently declared invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

Section 35. Repealing Clause. This Order repeals Commission Order No. 00-01 dated 21 June 2000. All other Commission issuances which are inconsistent with any of the provisions of this Order are hereby repealed, amended or otherwise modified accordingly.

Section 36. Effectivity. This Order shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation in the Philippines and submission of copy to the University of the Philippines Law Center.

Let a copy of this Order be furnished the University of the Philippines Law Center, Diliman, Quezon City.

MariLou P. Mendoza
Digitally signed

MARILOU P. MENDOZA
Chairperson

Ernesto L. Albano

ERNESTO L. ALBANO
Commissioner

Marissa Maricosa A. Paderon

MARISSA MARICOSA A. PADERON
Commissioner

Date Approved: 22 September 2021



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